

**PENINSULA TOWNSHIP
SPECIAL MEETING
PLANNING COMMISSION
AGENDA**

13235 Center Road
Traverse City, MI 49686

March 21, 2016

5:30 p.m.

1. Call to Order
2. Pledge
3. Roll Call
4. Approve Agenda
5. Brief Citizen Comments – for items not on the Agenda
6. Conflict of Interest
7. Consent Agenda

Any member of the Board, staff, or the public may ask that any item on the Consent Agenda be removed and placed elsewhere on the agenda for full discussion.

1. Correspondence (as provided)

2. Meeting Minutes

February 22, 2016 Special Joint Meeting

8. New Business

1. Zoning Ordinance draft outline (Introduction and Discussion)

9. Citizen Comments

10. Board Comments

11. Adjournment

Peninsula Township has several portable hearing devices available for use during this meeting. If you would like to use one, please contact the Chairperson.



Michelle Reardon

Peninsula Township Director of Planning & Zoning

Posted: March 14, 2016 3:30 PM

**Peninsula Township
Special Joint Meeting with the Township Board & Planning Commission
February 22, 2016**

Meeting called to order at 5:30 p.m.

Present: Town Board – **Rosi; Witkop; Weatherholt; Correia**, Chair; **Hoffman; Avery**
Planning Commission - **Serocki; Hornberger; Leak**, Chair; **Serocki; Peters; Wunsch**
Absent were Byron, Town Board and Couture, Planning Commission. Both excused.

Also present were *Peter Wendling*, Township Attorney, *Michelle Reardon*, Director of Planning and Zoning, *Claire Schoolmaster*, Planning and Zoning Coordinator and *Mary Ann Abbott* Recording Secretary.

Approve Agenda

Township Board

MOTION: Hoffman/Witkop to approve agenda. **PASSED UNAN**

Planning Commission

MOTION: Peters/Serocki to approve agenda. **PASSED UNAN**

Brief Citizen Comments – for items not on the Agenda

None

Conflict of Interest

Township Board – None

Planning Commission - None

Consent Agenda

Any member of the Board, staff, or the public may ask that any item on the Consent Agenda be removed and placed elsewhere on the agenda for full discussion.

1. Meeting Minutes- Special Joint TB/PC/ZBA January 14, 2016 (recommend approval)

Township Board

MOTION: Weatherholt/Witkop to approve Consent Agenda.

Roll Call Vote: Rosi –YES; Witkop-YES; Weatherholt-YES; Correia- YES; Hoffman-YES; Avery-YES PASSED UNAN

Planning Commission

MOTION: Wunsch/Peters to approve agenda. **PASSED UNAN**

Hoffman reminded staff that the Zoning Board will also need to approve the minutes of January 14, 2016.

Business

1. Zoning Ordinance diagnostic review (Introduction and Discussion)

Michelle Reardon, Director of Planning and Zoning provided the introduction. The staff of McKenna Associates has reviewed the Peninsula Township Zoning Ordinance and other township documents. McKenna has put together a Diagnostic Review of the Peninsula Township Zoning Ordinance indicating the recommendations on how they propose to proceed. *Patrick J. Sloan*, Principal Planner is here tonight to present the Diagnostic Review which is a combinations of the issues that the community sees and McKenna saw as they reviewed the documents.

Patrick Sloan, *McKenna Associates* then reviewed the entire Diagnostic Review of the Peninsula Township Ordinance as submitted by McKenna Associates while accepting questions or comments from both the Township Board and Planning Commission.

Hoffman concerned that changes to using more direct language may in some cases alter the intent of the ordinance that previous planners worked carefully on. *Reardon* Intent will still be there but clear language in standards will be necessary

Peters would like better definitions on basements and clarification on how building height is measured. Also clarification on definitions of lot and lots of record

Reardon asked about two-tiered options such as a rezoning process in creating a new district or looking at additional higher standards of development already identified within the Master plan. Could overlay be used with PDR. **Hoffman** Do overlays take away rights of landowners? *Reardon* Intent is not to take away rights from property owners. More for clarification

Witkop Concerned that we do not take back rights once PDR was signed especially since once PDR was signed people can not get out of PDR.

Hoffman When there is a Special Use permit on PDR we need to make sure rules can be enforced *Reardon* Need clear standards for enforcement

Wunsch Township may need to look at new PDR program that would exclude winery development. Conservation Easements purchased in the 90's and early 2000's did not sever this right.

Leak Zoning in this area to promote agricultural potential of the land.

Witkop asked for more discussion on Public and Semi-Public Zoning Districts versus essential services.

Wendling cautions that local control can be lost when there are Historical Preservation Overlays. **Peters** suggests a Historical Preservation Overlay looking at preserving land rather than architecture.

Patrick J. Sloan continued to go over highlights of the Diagnostic Review of the Peninsula Township Zoning Ordinance. The Planning Commission and McKenna Associates will study this information in more detail over the next few months.

Citizen Comments

None

Board Comments

Hoffman indicated that she would be asking for budget money for the reinstatement of the Township newsletter so that residents are made more aware of meetings such as tonight.

Peters would like the Diagnostic Review put on the website and mentioned that the Peninsula Township website needs updating.

Township Board

MOTION: Avery/Witkop to adjourn. **PASSED UNAN**

Planning Commission

MOTION: Hornberger/Wunsch to adjourn. **PASSED UNAN**

Meeting adjourned at 7:02 p.m.

March 14, 2016

Township Board of Trustees, Planning Commission,
and Director of Planning & Zoning
Peninsula Township
13235 Center Rd.
Traverse City, MI 49686

Subject: Proposed Zoning Ordinance Outline and Format

Members of the Township Board of Trustees, Planning Commission, and Staff:

Enclosed for your review and comment is the proposed outline of the Peninsula Township Zoning Ordinance. The proposed outline of the Zoning Ordinance consists of all of the proposed Article and Section headers, as well as some proposed sub-section headers. All of the current sections of the Zoning Ordinance are referenced in the headers, from which the text will be copied and changed accordingly. This way, it will be much easier for the Township to track changes during the amendment process.

The purpose of reviewing the proposed outline at this time is to come to an agreement on the organizational structure and format of the document before amendments are proposed. This will ultimately make the proposed amendments easier to implement and understand.

PROPOSED ZONING ORDINANCE FORMAT

The Zoning Ordinance is proposed to consist of the following 14 articles:

Article 1. Title, Purpose, and Scope.

This article will contain sections for Title, Purpose, Scope, Interpretation, Repeal, Effective Date, Severability, and Conflicting Regulations. This article will be very short, and the purpose is to cover some basic legal requirements.

Article 2. Definitions.

The Definitions article will be similar to the existing article in format and structure.

Article 3. Zoning Districts and Map.

This article will contain many of the existing sections of Article 6 of the Zoning Ordinance, with the following major differences:

- A Permitted Use Table, which was referred to in the Diagnostic Review.
- Each Zoning District will have a 1-page summary, which will include the current intent and purpose statements, uses permitted by right and special land uses (copied from the Permitted Use Table), and dimension regulations (copied from the Schedule of Regulations). While these district summaries repeat the Permitted Use Table and Schedule of Regulations, the purpose of these 1-page summaries is to make the Zoning Ordinance more accessible and user-friendly.

Article 4. Schedule of Regulations.

This article will be similar to the existing Schedule of Regulations (Section 6.8), but it will be its own article and it will include a purpose statement at the beginning.

Article 5. Supplemental Zoning District Standards.

The purpose of this article is to function similar to the General Provisions article; however, each chapter in this article is intended to apply to specific geographic areas based on the characteristics of those areas, such as an overlay district, PUD, site condominium, PDR, etc. Because these areas will have an underlying Zoning District (covered in Article 3), the regulations of this article are supplemental in nature and are proposed to include the following chapters:

- **Chapter 1. Shoreline Overlay District.** There are several sections of the Zoning Ordinance applicable only to shoreline areas that we proposed to consolidate in this chapter. Additionally, Shoreline Overlay regulations were drafted in 2010 with the intent of consolidating these sections and adding new regulations within the overlay area (200 feet from the Ordinary High Water Mark), so we will propose a similar overlay district.
- **Chapter 2. Airport Overlay District.** This chapter will include the provisions of Section 7.9, which will include available updates. If the overlay district can be mapped, we will attempt to include it on the Zoning Map.
- **Chapter 3. Planned Unit Developments.** Several sections of the Zoning Ordinance address PUD's, and this proposed chapter will consolidate all of these sections. While PUD's are not a mapped overlay district, each PUD will have unique land use and density characteristics.
- **Chapter 4. Conservation Easement Restricted Farmland.** This chapter will consolidate existing sections of the Zoning Ordinance. Like the PUD chapter, there are unique characteristics of each parcel of farmland that has a conservation easement.
- **Chapter 5. Site Condominiums.** Like the PUD chapter, each Site Condominium will have unique land uses and density characteristics. Additionally, there are many new sections proposed that address some of the general requirements of site condominiums.
- **Chapter 6. Rural Agricultural Overlay District.** Currently, Sections 7.3.3 and 7.7 of the Zoning Ordinance address developments abutting agricultural land. If a rural agricultural overlay district is implemented to buffer productive agricultural uses from incompatible land uses, the provisions of Section 7.3.3 and 7.7 will be a good starting point for overlay regulations.

Article 6. Standards Applicable to Specific Uses.

Currently, the development standards for specific uses are scattered throughout several areas of the Zoning Ordinance. These development standards will be consolidated into a single article. In the Permitted Use Table in Article 3, each land use with an associated development standard will include a hyperlink to the applicable section. We propose several new uses and provisions, based on the possibility that such uses may be proposed in the township at some point.

Article 7. General Provisions.

The purpose of this article is to consolidate general standards applicable throughout the township that do not fit into other articles of the Zoning Ordinance. We recommend dividing this article into 2 chapters: One chapter for all general standards and one chapter for accessory structures and uses (buildings, fences, walls, pools, and solar and wind energy).

Article 8. Environmental Performance Standards.

The purpose of this article is to consolidate all of the environmental-related sections of the Zoning Ordinance into a single article.

Article 9. Parking, Loading, and Access Management.

This article will include all of the existing parking and loading standards, as well as the private road standards. Because private roads are related to parking and access management, we recommend including the private road standards in this article unless they are moved to a general ordinance.

Article 10. Landscaping and Screening.

This article will consolidate all existing landscaping and screening standards into a single article. We recommend adding sections for intent, scope and application (i.e., which developments and uses require landscaping), standards for plant materials, landscape installation and maintenance, and modifications. The purpose of the new sections is to clearly communicate to applicants what the standards and expectations are. While the requirements might not change much in the proposed amendments, there should be minimum standards for plant materials, installation, and maintenance, as well as a formal process by which applicants may obtain modifications from the landscaping requirements.

Article 11. Signs.

We recommend relocating all sign-related definitions in this article to make the article easier to administer and interpret. Other new sections include a Substitution Clause (a First Amendment requirement to permit noncommercial content on any lawful sign) and provisions for nonconforming signs.

Article 12. Nonconformities.

We recommend reorganizing the nonconforming regulations into 3 areas: Nonconforming Lots, Nonconforming Uses, and Nonconforming Structures. We propose a new section for Nonconforming Lots, which will require that 2 or more contiguous lots in single ownership that fail to meet the requirements for lot area, frontage, or width shall be classified as 1 undivided lot or parcel for the purposes of zoning. This is currently a requirement of the Zoning Ordinance, but it should be emphasized in this article.

Article 13. Administrative Organization.

The purpose of this article will be to describe the functions of the Zoning Administrator, Township Board of Trustees, Planning Commission, and ZBA. Appropriate references to State Law will be included. This article will not include procedures and standards of review, which will be included in Article 14

Article 14. Administrative Procedures.

This article will include a chapter for each review procedure required, which are:

- **Chapter 1. Permits.** The chapter will consolidate all sections for land use permits, temporary permits, and conditional permits.

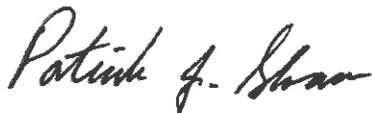
- **Chapter 2. Site Plan Review.** This chapter will include a table describing the uses that require site plan review based on the proposed use and/or development. This will make it easier for staff and applicants to determine which uses and development requires site plan review. This chapter will also include all of the current procedures.
- **Chapter 3. Special Land Use Review.** Consolidation of all special land use review procedures, with references to the required public hearing procedures.
- **Chapter 4. Variances and Appeals.** This chapter will consolidate all procedures for reviewing variance and appeal applications. We also recommend including a new section that prohibits a variance granted in connection with a condition attached to a special land use or site plan, or to the use of land.
- **Chapter 5. Amendments.** While the general procedure for amending a zoning ordinance is in the Michigan Zoning Enabling Act, there is currently no procedure or standards of review in the Zoning Ordinance. This chapter will include how amendments may be initiated, the review procedure, the standards of review for the Planning Commission and Township Board, and other provisions stated in the Act (notice of adoption, protest petition, referendum, and rezoning with conditions).
- **Chapter 6. Public Hearing Procedures.** The Michigan Zoning Enabling Act includes the same public hearing procedures for amendments, variances and appeals, and special land uses. Therefore, this chapter will include all of the required procedures, and the applicable chapters will reference the hearing procedures of this chapter.
- **Chapter 7. Enforcement.** Consolidation of all enforcement procedures.

NEXT STEPS

We look forward to discussing the proposed outline and format with you on March 21, 2016. Once the outline is finalized, we will begin on the proposed text amendments.

Respectfully submitted,

McKENNA ASSOCIATES



Patrick J. Sloan, AICP
Principal Planner

Enclosures

cc: Leslie Sickterman, AICP, PCP, CNU-A, Principal, Mission North, LLC

DRAFT

**Peninsula Township
Zoning Ordinance**

DRAFT DATED: March 14, 2016

Amended: _____

Effective: _____

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- Section 1.103 Purpose (currently Section 2.1)**
- Section 1.104 Scope (currently Section 2.2)**
- Section 1.105 Severability (currently Article 10)**
- Section 1.106 Effective Date (currently Article 12)**
- Section 1.107 Conflicting Regulations (currently Section 4.2.2)**

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Section 2.102 Definitions (currently Section 3.2)

Article 2: Definitions

Article 3 Zoning Districts and Map

Section 3.101 Districts Established (currently Section 6.1.1)

Section 3.102 Zoning Districts Map (currently Section 6.1.2)

Section 3.103 Interpretation of District Boundaries (currently Section 6.1.3)

Section 3.104 Scope of Regulations (currently Section 6.1.4)

Section 3.105 Categories Within Zoning Districts (currently Section 6.1.5 and Section 8.7.2)

Article 3: Zoning Districts and Map

**Section 3.106 Permitted Uses by District (NEW Table of Land Uses,
which includes applicable parts of Sections 6.2 – 6.7)**

Section 3.107 A-1, Agricultural District (currently Section 6.7)

- (A) Intent and Purpose (currently Section 6.7.1)**
- (B) Uses Permitted by Right (currently Sections 6.7.2)**
- (C) Uses Permitted by Special Use Permit (currently Section 6.7.3)**
- (D) Dimension Regulations (currently Section 6.7.4 and Section 6.8)**

Article 3: Zoning Districts and Map

Section 3.108 R-1A, Rural and Hillside Residential District (currently Section 6.2)

- (A) Intent and Purpose (currently Section 6.2.1)**
- (B) Uses Permitted by Right (currently Sections 6.2.2 and 6.2.3)**
- (C) Uses Permitted by Special Use Permit (currently Section 6.2.4)**
- (D) Dimension Regulations (currently Section 6.2.7 and Section 6.8)**

Section 3.109 R-1B, Coastal Zone Residential District (currently Section 6.3)

- (A) Intent and Purpose (currently Section 6.3.1)
- (B) Uses Permitted by Right (currently Section 6.3.2)
- (C) Uses Permitted by Special Use Permit (currently Section 6.3.3)
- (D) Dimension Regulations (currently Section 6.3.4 and Section 6.8)

Article 3: Zoning Districts and Map

**Section 3.110 R-1C, Suburban Residential Development District
(currently Section 6.4)**

- (A) Intent and Purpose (currently Section 6.4.1)**
- (B) Uses Permitted by Right (currently Section 6.4.2)**
- (C) Uses Permitted by Special Use Permit (NEW SECTION)**
- (D) Dimension Regulations (currently Section 6.4.3 and Section 6.8)**

Section 3.111 R-1D, Community Residential District (currently Section 6.5)

- (A) Intent and Purpose (currently Section 6.5.1)
- (B) Uses Permitted by Right (currently Section 6.5.2)
- (C) Uses Permitted by Special Use Permit (currently Section 6.5.3)
- (D) Dimension Regulations (currently Section 6.5.4 and Section 6.8)

Article 3: Zoning Districts and Map

Section 3.112 C-1, Commercial District (currently Section 6.6)

- (A) Intent and Purpose (currently Section 6.6.1)**
- (B) Uses Permitted by Right (NEW SECTION)**
- (C) Uses Permitted by Special Use Permit (currently Section 6.6.2)**
- (D) Dimension Regulations (currently Section 6.6.4 and Section 6.8)**

Article 4 Schedule of Regulations

- Section 4.101 Statement of Purpose (NEW SECTION)
- Section 4.102 Schedule of Regulations (Currently Section 6.8)
- Section 4.103 Footnotes to Schedule of Regulations (Currently Section 6.8.1)

Article 4: Schedule of Regulations

Article 5 Supplemental Zoning District Standards

Note: This article functions much like the General Provisions; however, each chapter is intended to apply to specific geographic areas based on the characteristics of that area, such as an overlay district, PUD, Site Condominium, or PDR.

Chapter 1 Shoreline Overlay District (NEW)

- Section 5.101 Intent and Purpose (currently Section 7.4.1)**
- Section 5.102 Boat Hoists and Docks (currently Section 6.2.2(2)(c))**
- Section 5.103 Decks and Storage (currently Section 6.2.2(2)(d))**
- Section 5.104 Shared Waterfront Ownership (currently Section 7.4.2)**
- Section 5.105 Filling and Grading Within 200 Feet of Normal High Water Mark (currently Section 7.4.3)**
- Section 5.106 Removal of Shore Cover (currently Section 7.4.4)**
- Section 5.107 Review by the State of Michigan (currently Section 7.4.5)**

Chapter 2 Airport Overlay District (currently Section 7.9)

- Section 5.201 Purpose and Intent (NEW SECTION)**
- Section 5.202 Definitions (currently Section 7.9.1)**
- Section 5.203 Area Affected (currently Section 7.9.2)**
- Section 5.204 Height Limitations (currently Section 7.9.3)**
- Section 5.205 Conflicting Federal or State Regulations (currently Section 7.9.4)**
- Section 5.206 Unlawful Land Uses (currently Section 7.9.5)**
- Section 5.207 Land Use Guidance Zones (currently Section 7.9.6)**
- Section 5.208 Official Zoning Map (currently Section 7.9.7)**

Chapter 3 Planned Unit Developments (currently Section 8.3, Section 7.2.6, and Section 6.5A)

- Section 5.301 Intent and Purpose (currently Section 6.5A.1 and Section 7.2.6(1))**
- Section 5.302 Authorization (currently Section 8.3.1)**
- Section 5.303 Objectives (currently Section 8.3.2)**
- Section 5.304 Qualifying Conditions (currently Section 8.3.3)**
- Section 5.305 Uses That May Be Permitted (currently Section 8.3.4)**
- Section 5.306 Uses Permitted by Special Use Permit (currently Section 6.5A.2)**
- Section 5.307 Lot Size Variation Procedure (currently Section 8.3.5)**
- Section 5.308 Open Space and Periphery Setbacks (currently Section 8.3.6 and Section 7.2.6(2))**
- Section 5.309 Maximum Percentage of Lot Area Covered by All Structures (currently Section 8.3.7)**
- Section 5.310 Affidavit (currently Section 8.3.8)**

Chapter 4 Conservation Easement Restricted Farmland (currently Section 6.7.5)

Section 5.401 Intent (currently Section 6.7.5.1)

Section 5.402 Reserved Building Site Access (currently Section 6.7.5.2)

Chapter 5 Site Condominiums (Currently Section 6.9)

- Section 5.501 Intent (currently Section 6.9.1)**
- Section 5.502 General Provisions (currently Section 6.9.2)**
- Section 5.503 Initial Information (NEW SECTION)**
- Section 5.504 Required Plans, Conditions, and Improvements for New Projects (currently part of Section 6.9.3)**
- Section 5.505 Required Plans for Expandable or Convertible Projects (NEW SECTION)**
- Section 5.506 Plan Application and Information Required (currently Section 6.9.4)**
- Section 5.507 Master Deed, Restrictive Covenants, “As Built” Survey, and Association Bylaws to be Furnished (currently part of Section 6.9.4.1)**
- Section 5.508 Review Procedures (currently Section 6.9.5)**
- Section 5.509 Conditions and Duration of Approval (currently Section 6.9.6)**
- Section 5.510 Monuments Required (NEW SECTION)**
- Section 5.511 Compliance with Federal, State, and Local Law (NEW SECTION)**
- Section 5.512 Subdivision of Condominium Lots (NEW SECTION)**
- Section 5.513 Encroachment Prohibited (NEW SECTION)**
- Section 5.514 Relocation of Boundaries (NEW SECTION)**
- Section 5.515 Performance Guarantee (NEW SECTION)**

Article 5: Supplemental Zoning District Standards
Chapter 5: Site Condominiums

Section 5.516 Final Documents to be Provided (NEW SECTION)

Chapter 6 Rural Agricultural Overlay District (currently Sections 7.7 and 7.3.3)

Note: Currently, Section 7.3.3 and Section 7.7 address developments abutting agricultural land. If a rural agricultural overlay district is implemented to buffer productive agricultural uses from incompatible land uses, the provisions of Section 7.3.3 and 7.7 will be a good starting point for overlay regulations.

Article 5: Supplemental Zoning District Standards

Chapter 6: Rural Agricultural Overlay District

Article 6 Standards Applicable to Specific Uses

- Section 6.101 Adult Foster Care Facilities (currently Section 8.7.3(9))
- Section 6.102 Barn Storage (currently Section 6.7.2(18))
- Section 6.103 Bed and Breakfast Operations (currently Section 8.7.3(6))
- Section 6.104 Campgrounds (NEW SECTION, which will exclude Recreational Vehicle Parks)
- Section 6.105 Child Care Center (NEW SECTION)
- Section 6.106 Day Care, Group Home (currently Section 6.2.2(7))
- Section 6.107 Drive-Through Uses (NEW SECTION)
- Section 6.108 Dwelling, Multiple-Family and Apartment (currently Section 7.2.6)
- Section 6.109 Dwelling, Single-Family Residential Detached (NEW SECTION)
- Section 6.110 Dwelling, Single-Family Residential Attached (NEW SECTION)
- Section 6.111 Farming and Horticultural Use (currently Section 6.2.2(6))
- Section 6.112 Food Processing Plants (currently 8.5)
- Section 6.113 Gasoline Service Stations (currently Section 8.8)
- Section 6.114 Golf Courses and Country Clubs (currently Section 8.7.3(4))
- Section 6.115 Greenhouses and Nurseries (NEW SECTION)

Article 6: Standards Applicable to Specific Uses

- Section 6.116 Guest Houses (currently Section 6.2.2(2)(b))**
- Section 6.117 Home Occupation (currently Section 6.2.3(2))**
- Section 6.118 Hospitals and Nursing Homes (NEW SECTION and Section 7.2.6)**
- Section 6.119 Hotels, Motels, and Tourist Courts (currently 8.10)**
- Section 6.120 Incinerators and Sanitary Landfills (currently Section 8.7.3(1))**
- Section 6.121 Institutional Structures and Uses (currently Section 8.6)**
- Section 6.122 Indoor Recreation (NEW SECTION)**
- Section 6.123 Junk Yard (NEW SECTION)**
- Section 6.124 Keeping of Pets and Livestock (currently Section 6.2.2(5))**
- Section 6.125 Kennels (NEW SECTION)**
- Section 6.126 Local Food Production Facility (currently Section 6.7.2(19))**
- Section 6.127 Marinas (currently Section 8.7.3(5))**
- Section 6.128 Mobile Homes (On Individual Lots: currently Section 6.7.2(3); In Residential Districts; currently 8.9)**
- Section 6.129 Mobile Home Parks (currently Section 8.2 and Section 7.2.6)**
- Section 6.130 Outdoor Recreation, Private (NEW SECTION)**
- Section 6.131 Public Recreation (NEW SECTION)**
- Section 6.132 Recreational Unit Parks (currently Section 8.4)**

- Section 6.133 Remote Winery Tasting Rooms (currently Section 8.7.3(12))**
- Section 6.134 Rental of Non-Owner Occupied Dwellings (currently Section 6.2.2(2)(e))**
- Section 6.135 Roadside Stands (currently Section 6.7.2(8))**
- Section 6.136 Self Service Storage Facility (currently Section 6.6.5)**
- Section 6.137 Sewage Treatment and Disposal Installations (currently Section 8.7.3(2))**
- Section 6.138 Special Open Space Uses (currently Section 8.7.3(3))**
- Section 6.139 Tenant Houses (currently Section 6.7.2(12))**
- Section 6.140 Warehousing and Light Industrial (currently Section 8.7.3(7))**
- Section 6.141 Winery, Use by Right (currently Section 8.7.3(10)/NEW)**
- Section 6.142 Winery Chateau (currently Section 8.7.3(10)/NEW)**
- Section 6.143 Wind Energy Conversion Systems (currently Section 8.7.3(8))**
- Section 6.144 Wireless Communications Facilities (currently Sections 7.12 and 8.7.3(11))**

Article 7 General Provisions

Chapter 1 General

- Section 7.101 Essential Services (currently Section 5.8)**
- Section 7.102 Performance Guarantees (currently Sections 5.9, 6.9.6.3, and 7.10.12)**
- Section 7.103 Storage of Recreational Vehicles (currently Section 6.2.2(4))**
- Section 7.104 Temporary Buildings (currently Section 6.2.3(1))**
- Section 7.105 Use of Structure for Temporary Dwelling (currently Section 7.2.1)**
- Section 7.106 Outdoor Storage (currently Sections 6.6.3(1) and 7.2.4)**
- Section 7.107 Sanitation Requirements (currently Section 7.1.2)**
- Section 7.108 Supplementary Height Regulations (currently Sections 7.3.1 and 7.3.2)**
- Section 7.109 Lots Existing and of Record on the Effective Date of this Ordinance (currently part of Section 7.3.4)**
- Section 7.110 One Dwelling Unit Per Lot (currently part of Section 7.3.4)**
- Section 7.111 Clear Vision Area (NEW SECTION)**

Chapter 2 Accessory Structures and Uses

Section 7.201 Accessory Buildings and Structures (currently Section 6.2.2(2)(a))

Section 7.202 Fences and Walls (currently Section 7.13)

Section 7.203 Swimming Pools (NEW SECTION)

Section 7.204 Accessory Solar Energy and Wind Energy (NEW SECTION)

Article 8 Environmental Performance Standards

- Section 8.101 Wetland Restrictions (currently part of Section 6.9.3.7)**
- Section 8.102 Floodplain Controls and Restrictions (currently Section 7.4.7 and part of Section 6.9.3.7)**
- Section 8.103 Removal of Fruit-Producing Trees, Vines, or Shrubs from Properties Being Developed (currently Sections 6.9.3.8 and 7.8)**
- Section 8.104 Soil Erosion and Sedimentation Control and Protection of Steep Slopes (currently Section 6.9.3.9)**
- Section 8.105 Mining or Removal of Topsoil (currently Section 7.2.3)**
- Section 8.106 Stormwater Management (currently Section 7.2.5)**
- Section 8.107 Exterior Lighting (currently Section 7.14)**

Article 8: Environmental Performance Standards

Article 9 Parking, Loading, and Access Management

**Section 9.101 General Off-Street Parking and Loading Regulations
(currently Section 6.10, Section 7.6.1, and Section 7.6.2)**

Section 9.102 Parking Space Requirements (currently Section 7.6.3)

**Section 9.103 Off-Street Parking Site Development Requirements
(currently Section 7.6.4(1) and (2))**

Section 9.104 Snow Storage (currently Section 7.6.4(4))

Section 9.105 Residential Driveways (currently Section 6.2.5)

Section 9.106 Private Roads (currently Section 7.10)

- (A) Frontage Road Permit (currently Section 7.10.1).
- (B) Joint Maintenance Agreement (currently Section 7.10.2).
- (C) Drainage Plan (currently Section 7.10.3).
- (D) Right-of-Way, Temporary Grading Easements, and Utility Easements (currently Section 7.10.4).
- (E) Hold Harmless Agreement (currently Section 7.10.5).
- (F) Road Layout (currently Section 7.10.6).
- (G) Road Names (currently Section 7.10.7).
- (H) Signs (currently Section 7.10.8).
- (I) Required Improvement Specifications (currently Section 7.10.9).
- (J) Frontage Road Approval Process (currently Section 7.10.10).
- (K) Existing Nonconforming Frontage Roads (currently Section 7.10.11).
- (L) Guarantee of Completion of Required Improvements (currently Section 7.10.12).

Article 9: Parking, Loading, and Access Management

Article 10 Landscaping and Screening

Section 10.101 Intent (NEW SECTION)

Section 10.102 Scope and Application (NEW SECTION)

Section 10.103 Landscaping Design Standards (NEW SECTION, which will include standards from Section 6.6.3(3), Section 7.2.7, and Section 7.6.4(3))

Section 10.104 Standards for Plant Materials (NEW SECTION)

Section 10.105 Landscape Installation and Maintenance (NEW SECTION)

Section 10.106 Modifications (NEW SECTION)

Article 10: Landscaping and Screening

Article 11 Signs

Section 11.101 Purpose (currently introductory paragraph of Section 7.11)

Section 11.102 Definitions (NEW SECTION, which includes existing definitions in Section 3.2 related to signs)

Section 11.103 Substitution Clause (NEW SECTION)

Section 11.104 Measurement of Sign Area and Height (currently part of Section 7.11.1)

Section 11.105 Sign Placement and Design Requirements (currently part of Section 7.11.1)

Section 11.106 Prohibited Signs (currently Section 7.11.2)

Section 11.107 Signs Permitted in All Districts (currently Section 7.11.3)

Section 11.108 Sign Regulations for Specific Zoning Districts (currently Sections 7.11.4 – 7.11.6, including part of Table 7.11.6)

Section 11.109 Illumination and Changeable Copy Standards (currently part of Section 7.14.3(5) and part of Section 7.11.1)

Section 11.110 Nonconforming Signs (NEW SECTION)

Section 11.111 Appeals and Variances (currently part of Table 7.11.6)

Article 11: Signs

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Article 12 Nonconformities

Section 12.101 Intent and Purpose (currently Section 7.5.1)

Section 12.102 Nonconforming Lots (NEW SECTION)

Note: The purpose of this section will be to emphasize that any 2 or more contiguous lots in single ownership that fail to meet the requirements for lot area, frontage, or width shall be classified as 1 undivided lot or parcel for the purposes of zoning.

Section 12.103 Nonconforming Uses (currently Section 7.5.2)

Section 12.104 Nonconforming Structures (currently Sections 7.5.3 – 7.5.6)

- (A) Reconstruction of Damaged Nonconforming Structures (currently Section 7.5.3).
- (B) Repair and Alteration of Nonconforming Structures (currently Section 7.5.4).
- (C) Additions to Nonconforming Structures (currently Section 7.5.5).
- (D) Moving or Replacing Nonconforming Structures (currently Section 7.5.6).

Section 12.105 Zoning District Changes (currently Section 7.5.7)

Article 12: Nonconformities

Article 13 Administrative Organization

Note: The purpose of this article will be to describe the functions of the Zoning Administrator, Township Board of Trustees, Planning Commission, and ZBA. Appropriate references to State Law will be included. This article will not include procedures and standards of review, which will be included in Article 14.

Section 13.101 Zoning Administrator (currently Sections 4.1.1 and 4.1.2)

Section 13.102 Township Board of Trustees (NEW SECTION)

Section 13.103 Planning Commission (NEW SECTION)

Section 13.104 Zoning Board of Appeals (currently Sections 5.1, 5.2, part of 5.3, and 5.7)

Article 13: Administrative Organization

Article 14 Administrative Procedures

Chapter 1 Permits

Section 14.101 Land Use Permits (currently Section 4.1.3)

Section 14.102 Temporary Permits (currently introductory paragraph of Section 5.7.4 and Section 5.7.4(1))

Section 14.103 Conditional Permits (currently Section 5.7.4(2))

(A) Conversion of Single-Family Dwelling to Two-Family Dwelling in an Agricultural District.

(B) Landlocked Lots.

(C) Conversion of Farm House or Tenant House in an Agricultural District.

Section 14.104 Fees (currently Section 4.1.4)

Section 14.105 Completion (currently Section 6.2.6)

Section 14.106 Prior Building Permits (currently Section 7.1.1)

Chapter 2 Site Plan Review

Section 14.201 Uses Requiring Site Plan Review (NEW SECTION)

Section 14.202 Information Required (currently part of Section 6.9.4.1, Section 6.9.4.2, Section 7.14.4, Section 8.4.6, and Section 8.7.3(4)(b) and (c))

Section 14.203 Site Plan Review Procedures (currently part of Section 6.9.5.3)

Section 14.204 Duration of Approval (currently Section 6.9.6.2 and Section 8.1.2(5))

Section 14.205 Performance Guarantees (NEW SECTION)

This section will cross-reference to the General Provisions section for Performance Guarantees ([Section 7.102](#))

Chapter 3 Special Land Use Review

Section 14.301 Intent and Purpose (currently Section 8.1.1)

Section 14.302 Authorization (currently Section 8.7.1)

Section 14.303 Special Land Use Review Procedures (currently part of 6.9.5.3, part of Section 6.9.5.4, and Section 8.1.2)

Section 14.304 Basis for Determination (currently Section 8.1.3)

Section 14.305 Site Development Requirements (currently part of Section 8.7.3)

Section 14.306 Revocation (currently part of Section 8.7.3)

Chapter 4 Variances and Appeals

Section 14.401 Right to and Grounds of Variance or Appeal (currently part of Section 5.3)

Section 14.402 Appeal and Notice Requirements (currently part of Section 5.3, Section 5.4, Section 5.5, Section 5.6)

Section 14.403 Appeals (currently Section 5.7.1)

Section 14.404 Variances (currently Section 5.7.3(1) and (2) and Section 5.7.3(4))

Section 14.405 Prohibited Variances (NEW)

This Section will state that no variance shall be made in connection with a condition attached to a special land use or site plan, or to the use of land.

Section 14.406 Interpretations (currently Section 5.7.2)

Section 14.407 Attachment of Conditions (currently Section 5.7.3(3)(a))

Section 14.408 Approval Period (currently Section 5.7.3(3)(b))

Section 14.409 Re-Application (currently Section 5.7.3(3)(c))

Section 14.410 Performance Guarantees (currently Section 5.9)

This section will cross-reference to the General Provisions section for Performance Guarantees ([Section 7.102](#))

Chapter 5 Amendments (currently Article 9)

- Section 14.501 Initiation of Amendments (NEW SECTION)**
- Section 14.502 Application for Amendment (NEW SECTION)**
- Section 14.503 Amendment Review Procedures (NEW SECTION)**
- Section 14.504 Standards of Review for Amendments (NEW SECTION)**
- Section 14.505 Notice of Adoption of Amendments (NEW SECTION)**
- Section 14.506 Protest Petition of Amendments (NEW SECTION)**
- Section 14.507 Referendum (NEW SECTION)**
- Section 14.508 Rezoning (Zoning Map Amendment) with Conditions (NEW SECTION)**

Chapter 6 Public Hearing Procedures (currently Sections 7.12.1(8)(a) and 8.1.2(3))

Section 14.601 Public Hearings (NEW SECTION)

Section 14.602 General Public Hearing Procedures (NEW SECTION)

**Section 14.603 Zoning Ordinance Amendment Public Hearing
Procedures (NEW SECTION)**

Chapter 7 Enforcement

Section 14.701 Violations and Penalties (currently Sections 4.2.1 and 11.1)

Section 14.702 Nuisance Per Se (currently Section 11.2)